

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

PRESTON SMITH   <div style="text-align: center;">PLAINTIFF(S)</div>	CASE NUMBER <div style="text-align: center;">CV10-8840 VBF (AGR<del>x</del>)</div>
<div style="text-align: center;">v.</div> CITY OF BURBANK, ET AL.   <div style="text-align: center;">DEFENDANT(S).</div>	<div style="text-align: center;"><b>ADR PROGRAM QUESTIONNAIRE</b></div>

(1) What, if any, discovery do the parties believe is essential in order to prepare adequately for a settlement conference or mediation? Please outline with specificity the type(s) of discovery and proposed completion date(s). Please outline any areas of disagreement in this regard. Your designations do not limit the discovery that you will be able to take in the event this case does not settle.

1. Depositions of Parties - 3/15/11

2. Written Discovery - 3/15/11

3. Obtaining Medical Records - 3/15/11

4. Obtaining Defendant Officers Person Files - 3/15/11 (~~Defendants dispute that these materials are discoverable or necessary~~)

(2) What are the damage amounts being claimed by each plaintiff? Identify the categories of damage claimed [e.g., lost profits, medical expenses (past and future), lost wages (past and future), emotional distress, damage to reputation, etc.] and the portion of the total damages claimed attributed to each category.

1. Medical Expenses.

2. General Damages - Pain and Suffering

3. Punitive Damages against individual defendants.

The actual amounts claimed will be ascertained once discovery is completed. (3/15/11)

(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Program?

Yes ☐ No ☒

(4) If this case is in category civil rights - employment (442), check all boxes that describe the legal bases of plaintiff claim(s).

☐ Title VII

☐ Age Discrimination

☒ 42 U.S.C. §1983

☐ California Fair Employment and Housing Act

☐ Americans with Disabilities Act of 1990

☐ Rehabilitation Act

☐ Other \_\_\_\_\_

I hereby certify that all parties have discussed and agree that the above-mentioned responses are true and correct.

December 22, 2010

Date



Attorney for Plaintiff (Signature)

Max A. Sauler

Attorney for Plaintiff (Please print full name)

December 22, 2010

Date

Attorney for Defendant (Signature)

Attorney for Defendant (Please print full name)

Date

Attorney for Defendant (Signatuer)

Attorney for Defendant (Please print full name)

(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Program?

Yes ☐ No ☒

(4) If this case is in category civil rights - employment (442), check all boxes that describe the legal bases of plaintiff claim(s).

- |  |   |
|--|---|
| <input type="checkbox"/> Title VII                               | <input type="checkbox"/> Age Discrimination                         |
| <input checked="" type="checkbox"/> 42 U.S.C. §1983              | <input type="checkbox"/> California Fair Employment and Housing Act |
| <input type="checkbox"/> Americans with Disabilities Act of 1990 | <input type="checkbox"/> Rehabilitation Act                         |
| <input type="checkbox"/> Other _____                             |   |

I hereby certify that all parties have discussed and agree that the above-mentioned responses are true and correct.

December 22, 2010

Date

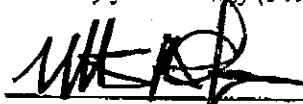
  
Attorney for Plaintiff (Signature)

Max A. Sauler

Attorney for Plaintiff (Please print full name)

December 22, 2010

Date

  
Attorney for Defendant (Signature)

Nathan A. Oyster

Attorney for Defendant (Please print full name)

Date

Attorney for Defendant (Signatuer)

Attorney for Defendant (Please print full name)



1                                   **PROOF OF SERVICE**  
2                                   UNITED STATES DISTRICT COURT  
3                                   STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 CASE NAME: PRESTON SMITH V. CITY OF BURBANK, ET AL.  
5 CASE NUMBER: CV10-8840-VBF (AGR~~x~~)

6           I am employed in the County of Los Angeles, State of California. I am over  
7 the age of 18 and not a party to the within action; my business address is: 20750  
8 Ventura Blvd, Suite 440, Woodland Hills, CA 91364.

9           On **December 29, 2010**, I served the foregoing document described as: ADR  
10 PROGRAM QUESTIONNAIRE, in this action by placing a true coy thereof in a  
11 sealed envelope addressed as follows:

12                                   ***PLEASE SEE ATTACHED SERVICE LIST***

13  
14  
15 **[X] BY MAIL**

16           As follows: I am "readily familiar" with the firm's practice of collection and  
17 processing correspondence for mailing. Under that practice it would be  
18 deposited with U.S. postal service on that same day with postage thereon  
19 fully prepaid at Woodland Hills, California in the ordinary course of  
20 business. I am aware that on motion of the party served, service is presumed  
invalid if postal cancellation date or postage meter date is more than one day  
after date of deposit for mailing the affidavit.

21 **[X] FEDERAL**

22           I declare that I am employed in the office of a member of the bar of this  
23 Court at whose direction that service was made.

24           Executed on December 29, 2010, at Woodland Hills, California

25  
26                                   \_\_\_\_\_  
Sandra Alvarez

1 2 3 4 5 6 7	Dennis A. Barlow, City Attorney Juli C. Scott, Chief Assistant City Attorney Carol A. Humiston, Senior Asst. City Attorney Office of the City Attorney 275 E. Olive Avenue P.O. Box 6459 Burbank, CA 91510-6459	Attorneys for Defendants
8 9 10 11 12 13	David D. Lawrence, Esq. Dennis M. Gonzalez, Esq. Nathan A. Oyster, Esq. Lawrence Beach Allen & Choi, PC. 100 W. Broadway, Suite 1200 Glendale, CA 91210-1219 Tel: 818-545-1925 Fax: 818-545-1937	Attorneys for Defendant